

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-21 in the application. In the present response, the Applicants have amended Claims 1, 8, and 15. Support for the amendment can be found in paragraph 18 of the original specification. The Applicants have cancelled Claims 2-3, 9-10, and 16-17 without prejudice or disclaimer. No Claims have been added. Accordingly, Claims 1, 4-8, 11-15, and 18-21 are currently pending in the application.

#### **I. Formal Matters and Objections**

The Examiner has objected to the specification as containing informalities and improperly embedding a hyperlink. In response, the Applicants have amended the specification to correct these errors appreciate the Examiner's diligence in finding and bringing these errors to their attention. Accordingly, the Applicant respectfully requests the Examiner to withdraw the objection to the specification.

As indicated in the specification, the reference entitled "Electronic Payment Systems" by Donal O'Mahony, Michael Peirce, and Hitesh Tewart, Artech House (1997) is cited to provide a survey of currently available electronic payment systems and as an example that remote payment information verification is well known in the art. However, if the Examiner deems it necessary to submit the book in order to give the application a proper examination, the Applicants will pursue obtaining a copy of the book for the Examiner's use.

## **II. Rejection of Claims 1, 8, and 15 under 35 U.S.C. §112**

The Examiner has rejected Claims 1, 8, and 15 under 35 U.S.C. §112, first paragraph for failing to comply with the enablement requirement. More specifically, the Examiner asserts that in independent Claims 1, 8, and 15 there are steps missing which are critical or essential to the practice of the invention, but these steps are not included in the claim(s). (*See* Examiner's Action mailed October 4, 2006, page 2.) The Applicants respectfully disagree.

The Examiner appears to assert that components of embodiments of the invention that are discussed in the specification should be included in the independent claims. Such inclusion of these components unduly limits the independent claims. Accordingly, the Applicants respectfully request the Examiner to withdraw the §112, first paragraph rejection of Claims 1, 8, and 15 and allow issuance thereof.

The Examiner has stated Claim 8 has a problem with the format for the method claim. (*See* Examiner's Action mailed October 4, 2006, page 3.) The Applicants respectfully disagree. The claim, as originally submitted, is full, clear, concise, and in exact terms, enabling any person skilled in the art to make and use the invention as claimed. However, in an effort to expedite prosecution and allowance of the application, the Applicants have amended Claim 8 as suggested by the Examiner.

## **III. Rejection of Claims 1-21 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-21 under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 01/57617 by Blackson, *et al.* The Applicants respectfully

disagree since Blackson does not teach or suggest wirelessly receiving payment information and a content request from a requestor as recited in amended independent Claims 1, 8, and 15.

Blackson teaches an ATM including at least one input device 16 such as a keypad or selection buttons which enable the user to enter operation inputs such as a selection of a particular digital sound recording or other portion of the digital content to dispense. (*See* page 11, lines 3-7.) Blackson also teaches a card reader 20 that reads indicia corresponding to account information from a user's card and stores account data and/or information which may be used to identify a user or their accounts. (*See* page 11, lines 12-17.) Thus, Blackson teaches receiving information via a keypad, selection buttons, or card reader but does not teach **wirelessly** receiving a content request or payment information.

Furthermore, the Applicants do not find where Blackson suggests wirelessly receiving payment information and a content request from a requestor. Blackson considers alternative embodiments for interacting with the ATM. Each of these alternative embodiments, however, such as a touch screen device, a speech recognition system, or a track ball, requires physical interaction with the ATM instead of wireless interaction. (*See* page 11, lines 8-11.) Therefore, Blackson does not teach or suggest wirelessly receiving payment information and a content request from a requestor as recited in amended independent Claims 1, 8, and 15 and, thus, does not provide a *prima facie* case of obviousness for amended independent Claims 1, 8, and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1, 4-8, 11-15, and 18-21 and allow issuance thereof.

**IV. Comment on References**

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.

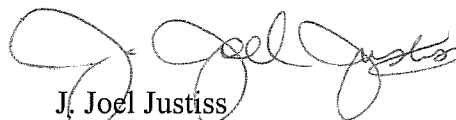
**V. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 4-8, 11-15, and 18-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

  
J. Joel Justiss  
Registration No. 48,981

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P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800